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SUBJECT: SOLICITATION FOR INCLE FUNDS

REF: 2005 STATE 221416

¶1. Per reftel, post is forwarding the following TIP proposal submitted by the Office of Overseas Prosecutorial Training and Development (OPDAT) at the US Department of Justice. It is our understanding that this same proposal has already been submitted directly to the G/TIP office.

¶2. Post strongly supports this proposal. The training proposed squarely addresses the lack of knowledge and skills among Bangladeshi public prosecutors to effectively prosecute human traffickers, and focuses on a select group of attorneys and judges. This proposal also complements on-going initiatives being carried out by USAID and other Agencies at post. We anticipate the outcome will be improved quality of cases presented and eventually higher conviction rates.

¶3. OPDAT's proposal follows.

BEGIN TEXT

¶A. Title: Strengthening Bangladeshi Capacity to Prosecute and Adjudicate Trafficking in Persons Crimes

¶B. Name of Recipient Government Agency:

U.S. Department of Justice
Office of Overseas Prosecutorial Development, Assistance and Training (DOJ/OPDAT)

Attention:

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(RLA coordinated Country Team review of proposal for the Mission)

¶C. Duration of Project: This is proposed as a one-year project. It will be implemented as a follow-on project to an OPDAT program now underway in Bangladesh to develop and improve the abilities of Bangladeshi prosecutors to pursue trafficking in persons (TIP) crimes.

¶D. Description of Project:

¶1. Background/Justification

Bangladesh is a country of origin and transit for women and children trafficked for the purposes of sexual exploitation, involuntary domestic servitude, and debt bondage. An estimated 10-20,000 women and girls are trafficked annually to India, Pakistan, Bahrain, Kuwait, and the United Arab Emirates (U.A.E.). A small number of women and girls are trafficked through Bangladesh from Burma to India. Bangladeshi boys have also trafficked into the U.A.E. and Qatar and forced to work as camel jockeys and beggars. Women and children from rural areas in Bangladesh are trafficked to urban centers for commercial sexual exploitation and domestic work.

Bangladesh has made important strides in dealing with trafficking problems. Laws designed to specifically criminalize anti-trafficking were added to the Penal Code in 2000, and law enforcement resources have been specifically dedicated to handling such cases. Twenty-five District Judges were assigned to deal with trafficking cases arising under the Penal Code, and an additional 41 Special District Tribunals were set up to handle cases under the Women's and Children's Code. In 2004, the government designated a Deputy Attorney General to ensure quick disposal of trafficking cases, and approximately 60 Special Public Prosecutors have been assigned to handle such cases.

While Bangladesh reports obtaining convictions in TIP prosecutions (17 last year), as well as initiation of TIP related corruption prosecutions (11 cases reported initiated last year), the DOJ Resident Legal Advisor posted to Embassy Dhaka, and other DOJ lawyers who have assessed Bangladeshi prosecution capacity remain skeptical of the accuracy and veracity of these figures. In actual fact the "Special Public Prosecutors" are lawyers in private practice who are paid a pittance for handling their TIP cases. While they are reported to be generally well intentioned, and attempt to do their best in the face of tremendous obstacles, they are poorly trained and susceptible to corruption.

Predictably, there is also a serious disconnect between investigators and prosecutors (among other things, the investigators file the charges before the prosecutor is even involved). Prosecutors do little in the way of case preparation and often meet the victims and witnesses for the first time at the court proceedings.

As noted, DOJ/OPDAT is currently engaged in a G/TIP funded program to develop prosecution skills and competence to handle trafficking cases, and to put in place indigenous training capacity. DOJ has two initial goals: train all 60 of the prosecutors (with the additional inclusion at that training of the 10 investigators who are members of the Anti-TIP police monitoring cell), and gradually build indigenous training capacity. A four day train-the trainer program is scheduled for Dhaka for the week of March 20, 2006, with follow on training and mentoring

12. Objective:

To expand and strengthen enforcement of Bangladesh's anti-TIP laws against persons engaged in human trafficking, by improving the capacity of Bangladesh's prosecutors and judges to develop, handle and justly resolve such cases.

13. Activities:

The Project will consist of two main components: (1) follow-on training for prosecutors, with emphasis on developing indigenous, self-sustaining training capacity, and (2) TIP training for judges on both the District Court and Special Tribunals, again with the ultimate goal of developing self-sustaining training capacity. The two components will be separately implemented, as the judges have expressed a strong insistence to DOJ to be trained alone (there are a variety of persuasive institutional and cultural reasons for this, reflecting the different professional standing of prosecutors and judges in Bangladesh).

1A. Prosecutor Training

DOJ/OPDAT will continue its ongoing efforts to develop the skills of prosecutors to handle TIP cases, while at the same time build and expand a team of Bangladeshi prosecutor-trainers, who can increasingly take responsibility for implementing such training.

The substantive training will address the Bangladeshi TIP statutes, TIP modalities seen in Bangladesh (with case studies), advocacy skills, the need for prosecutors and law enforcement to be aware of and sensitive to the special nature and needs of trafficking victims, resources available for TIP victims, the roles of NGOs in helping to develop effective prosecutions, the need for greater cooperation between both prosecutors and between investigators and prosecutors and NGOs, witness protection, and international legal assistance mechanisms.

Development of a cadre of Bangladeshi trainers is a longer term goal. TIP training for prosecutors needs to be put in a larger context: Bangladeshi prosecutors do not currently receive any kind of specialized or continuing legal training. There is no prosecutor training academy. Accordingly, it is unreasonable to expect that one or two "train the trainers" sessions will build the level of capacity that is sought. Instead, we propose a gradual incorporation of Bangladeshis into the program faculty, with US trainers mentoring promising instructors at each step of the way, so that they can take increasing larger roles in the training program.

DOJ/OPDAT proposes a minimum of three prosecutor training programs at four to five month intervals, for approximately 15 prosecutors per session (these are follow-on training programs that will build on the three training programs for prosecutors planned under the currently funded program). The RLA at Embassy Dhaka recommends all training be done in Dhaka, rather than the regions for reasons of facilities, safety and logistics.

1B. Judicial Training

Judicial training would be similar in content to prosecutor training, but for institutional and cultural reasons, would be run separately (ideally, in tandem with prosecutor training). Emphasis would be placed both on providing judges with the substantive capacity to better handle TIP cases, and on mentoring a cadre of judicial trainers who, over time would assume a larger role in implementing the training. Special emphasis would also be put on issues of particular relevance to judges, including the

need for judges to treat TIP crimes as serious crimes warranting real sentences.

Judicial training will be facilitated by the existence of a judicial training academy in Dhaka (set up and run with support from Danida, the Danish aid agency) under the authority of the Law Ministry. DOJ/OPDAT proposes two training sessions; one for District Court judges and one for Special District Tribunal Judges.

IC. "Refresher" Training for Prosecutors and Judges

DOJ/OPDAT proposes that graduates of both sets of training programs return for shorter one or two day courses that will focus on hypothetical case studies and applying law to specific fact patterns. Refresher courses would be coordinated through the DOJ RLA's office at the embassy and would not rely on US or foreign faculty traveling to Bangladesh, but would instead use Bangladeshi trainers who had been mentored during the first rounds of training. Because the courses are shorter and simpler in nature, refresher courses could be offered in the regions as well as in Dhaka.

ID. Creation of Second DOJ FSN position to support TIP programs

The success of this program will depend on the ability to have regular follow-up with participants. As noted, in-service training of legal professionals is, in and of itself, largely non-existent in Bangladesh. Realistically, indigenous trainers are not going to be produced in one-four day session, but will need gradual and repeated mentoring to develop confidence in their role. OPDAT experience across the globe demonstrates that local trainers can eventually take over and handle most training responsibilities, but that the process of building an indigenous training corps is gradual.

Accordingly, OPDAT proposes adding a qualified Bangladeshi attorney to its office at Embassy Dhaka, to be supervised by the RLA and OPDAT/HQ, with primary responsibility for substantive and logistical implementation of the program. At present, DOJ's existing office Embassy Dhaka is staffed by only one Bangladeshi FSN, who is exclusively funded by counter-terrorism funds, and who already has a full portfolio of activities.

Addition of a locally employed staff (LES) person, dedicated to this project, will also allow for better program evaluation and better curricula development. In addition to coordinating the training events themselves, a properly supervised LES will provide the ability to follow actual cases through the courts, and identify patterns and modalities as well as weaknesses in enforcement and adjudication process. This information can be fed back into the training programs, particularly at the follow-on roundtable and "refresher" stages of training.

I4. Sustainability

The program is designed to slowly develop skills and build a sense of professionalism on the part of Bangladesh's prosecutors and judges who handle TIP cases. Participants will be mentored as a follow up to their initial training, to reinforce what they have learned and encourage application of their training in daily work lives. Once those skills are absorbed into the work habits of the participants, they will be able to independently function as more effective judges and prosecutors, and will be better equipped to deal, on their own, with trafficking cases. Because the program is focused on development of skills, it is not dependent on additional material resources or institutional reforms. The Judicial Training Academy will be encouraged to incorporate these training courses into their evolving judicial training curriculum under the auspices of the Law Ministry.

IE. Justification: See discussion above at Background/Justification

IF. Performance Measures:

-- A cadre of Bangladeshi trainers is developed with specialized competencies to deliver TIP training to prosecutors and judges.

-- Bangladeshi Prosecutors acquire a better understanding of the successful techniques and strategies used in anti-TIP cases and thus are better prepared to bring such prosecutions.

-- Bangladeshi judges develop a better understanding of the legal and societal issues presented by TIP cases, and of the necessity of applying appropriate sanctions in such cases.

-- Number of TIP prosecutions and convictions increases.

IG. Evaluation Plan

Participant evaluations will be solicited as part of each training program, and recommendations and feedback will be considered and incorporated into planning of subsequent training sessions. DOJ/OPDAT personnel in Bangladesh will follow-up at

regular intervals with training participants to obtain further feedback both on follow-on training needs, and to ascertain how training is being put to use in practice.

After Action reports will be prepared for all events, and reporting on both programs and their impact will be included in the regular DOJ/OPDAT reporting from Post. DOJ will attempt to monitor the handling of selected, representative TIP prosecutions. Follow on reporting will include qualitative and (to the extent possible) quantitative information on TIP prosecutions and convictions in Bangladesh.

OPDAT/HQ will periodically review the program in Washington, using after action reports, RLA reporting, and other sources.

IH. Budget Breakout: See Appendix

II. Host Government Contribution: Bangladesh is one of the world's poorest countries, and the government has few resources to support training programs. The government is willing to make facilities available for programs, but with the exception of the new Judicial Training Academy, these are often in such poor condition that they are not viable training sites. Bangladeshi partners at the prosecutors' offices and on the judiciary continue to give freely of their time and energy to make training programs a success, and have exhibited important political will towards improving anti-TIP efforts.

IJ. Proposed Funding Mechanism: INCLE Funds through DOJ/OPDAT

IK. Embassy Point of Contact

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APPENDIX

Budget Breakout

a. Three (3) prosecutor training workshops:

(cost per workshop)

US trainers (2 per program)

Airfare (rt--\$8,500 each)	\$17,000
Lodging (6 nights each @ \$116)	\$1,392
Per diem (8.5 days @ \$75 per day)	\$1,275
Subtotal	\$19,667

Site Expenses:

(venue and equipment rental for 4 day program)	\$1,000
Interpretation (\$500 per day x 4)	\$2,000

Participant expenses (for prosecutors from outside Dhaka):

Lodging and MIE for 4 days (\$175 per participant x 10)	\$1,750
Transportation (\$50 x 10)	\$500

Materials \$1,500

Subtotal (per training) \$26, 417

Translation of materials (one time expense) \$1,000

Total for three programs: \$80,251

b. Two (2) Judicial Training Workshops

(cost per workshop)

US trainers (2 per program)

Program 1:

Airfare (same trainers as at Prosecutor training)	0
Lodging (5 additional nights each @ \$116)	\$1,160
Per diem (5 additional days @ \$75 per day)	\$750
Subtotal	\$1,910

Program 2:

Airfare (rt--\$8,500 each)	\$17,000
Lodging (6 nights each @ \$116)	\$1,392
Per diem (8.5 days @ \$75 per day)	\$1,275

Subtotal	\$19,667
Site Expenses (each program):	
(venue and equipment rental for	
4 day program)	\$1,000
Interpretation (\$500 per day x 4)	\$2,000
Participant expenses, each program	
(for prosecutors from outside Dhaka):	
Lodging and MI&E for 4 days	
(\$175 per participant x 10)	\$1,750
Transportation (\$50 x 10)	\$500
Materials	\$1,500
Subtotal for Judicial Program I:	\$8660
Subtotal for Judicial Program II:	\$26,417
Translation of materials	
(one time expense)	\$1000

Total for Two Programs: \$36,077

c. "Refresher" Training for Prosecutors and Judges

Five (5) one day programs in Dhaka

Site Expenses:	
(venue and equipment rental for	
1 day program)	\$250
Interpretation	\$500
Participant expenses (for prosecutors from	
outside Dhaka):	
Lodging and MI&E for 2 days	
(\$100 per participant x 10)	\$1000
Transportation (\$50 x 10)	\$500
Materials	\$500
Subtotal per program:	\$2,750
Translation of materials	
(one time expense)	\$500

Total for five programs \$14,250

d. DOJ Locally Employed Staff Attorney (FSN)

Salary and benefits	\$10,000
In-country travel expenses	\$2,500
Computer/office furnishings	\$12,000
Increase to ICASS Assessment	\$15,000
Total for LES position	\$39,500
Total Program Expenses	\$170,078
OPDAT Overhead at 12% of expenses	\$20,409
Program Cost:	\$190,487

END TEXT OF PROPOSAL

CHAMMAS